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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	David Allison Bennett, et al.	Group Art Unit:	3600
Serial No.:	09/684,865	Examiner:	Kenneth R. Rice
Filed:	October 6, 2000		
Title:	Apparatus, Systems and Methods for Applying Billing Options for Online, Multi- Carrier, Multi-Service Parcel Shipping Management		
Atty Dckt No.:	PSTM0019/MRK		

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
IN SUPPORT OF APPLICATION FOR RECONSIDERATION OF PATENT TERM  
ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE  
37 C.F.R. §1.705(b)(2)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

MAR 25 2005

**OFFICE OF PETITIONS**

Commissioner:

This Statement of the Correct Patent Term Adjustment in Support of Application for Reconsideration of Patent Term Adjustment Indicated in Notice of Allowance is filed concurrently with Application for Reconsideration of Patent Term Adjustment Indicated in Notice of Allowance for the above-identified patent application. The Issue Fee and a further Information Disclosure Statement are also being filed concurrently herewith.

The above-identified application was allowed in a Notice of Allowance dated December 22, 2004. The Determination of Patent Term Adjustment Under 35 U.S.C. 154(d) attached to the Notice of Allowance awarded a Patent Term Adjustment for the above-identified application of 344 days. It is respectfully submitted that the determination of 344 days is in error, and that the correct Patent Term Adjustment through the date of the Notice of Allowance is 168 days.

It is respectfully submitted that the determination of 344 days is in error, due to a failure in the PAIR system Patent Term Adjustment History, a copy of which is attached

hereto as Exhibit A, to provide the following Patent Term Adjustment events and/or considerations under 37 C.F.R. §1.704, as follows:

**Item (1.)** The PAIR system failed to associate a Notice of Missing Parts and a corresponding Response to Notice of Missing Parts, and therefore failed to calculate a period of time under 37 C.F.R. §1.704(b), as follows:

a.) the PAIR system did not identify as a Notice of Missing Parts, the PAIR system entry dated 12-04-2000, entitled "Notice Mailed--Application Incomplete--Filing Date Assigned" on the PAIR system Patent Term Adjustment History, a copy of which is attached hereto as Exhibit A;

b.) there is no entry in the PAIR system Patent Term Adjustment History (a copy of which is attached hereto as Exhibit A) of a Response to Notice of Missing Parts, filed April 3, 2001, and designated as received by the Patent Office on April 5, 2001 (the April 5, 2001 date of receipt by the Patent Office is evidenced by the copy of the return postcard for the Response to Notice of Missing Parts filing, stamped by the Patent Office, attached hereto as Exhibit B); and

c.) the PAIR system fails to associate the April 5, 2001-received Response to Notice of Missing Parts with the Notice of Missing Parts, dated 12-04-2000.

and

**Item (2.)** The PAIR system does not show an entry for a particular Information Disclosure Statement, does not associate the IDS with a previous reply, and therefore failed to calculate a period of time under 37 C.F.R. §1.704(c)(8), as follows:

a.) there is no entry in the PAIR system Patent Term Adjustment History (a copy of which is attached hereto as Exhibit A) of an Information Disclosure Statement that was filed in the above-identified case on November 17, 2004, and that was designated as received by the Patent Office on November 19, 2004 (the November 19, 2004 date of receipt by the Patent Office is evidenced by the attached copy of the return postcard for the relevant Information Disclosure Statement filing, stamped by the Patent Office, a copy of which is attached hereto as Exhibit C);

b.) the PAIR system did not associate the November 19, 2004-received IDS with the initial reply to the immediately preceding Office Action; the immediately preceding Office Action was dated November 18, 2002; the initial reply to the November 18, 2002 Office Action was filed February 18, 2003, and was designated as received by the Patent Office on February 24, 2003, as evidenced by the return postcard for the relevant Response, attached hereto as Exhibit D, stamped by the Patent Office.

With respect to Item (1.) above regarding the Notice of Missing Parts and the corresponding Response to Notice of Missing Parts, according to 37 C.F.R. §1.704(b), period of adjustment credits shall be reduced for the period of time "in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, . . . beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication . . . and ending on the date the reply is filed." With respect to Item (1.) above, it is respectfully submitted that period of adjustment credits should be reduced, according to 37 C.F.R. §1.704(b), by 32 days.

With respect to Item (2.) above regarding the Information Disclosure Statement designated as received by the Patent Office on November 19, 2004, according to 37 C.F.R. §1.704(c)(8), in the case of a submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner after a reply has been filed, period of adjustment credits shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. With respect to Item (2) above, it is respectfully submitted that period of adjustment credits should be reduced, according to 37 C.F.R. §1.704(c) (regarding non-overlapping days) and 37 C.F.R. §1.704(c)(8), by 144 non-overlapping days.

According to 37 C.F.R. §1.704(b), 37 C.F.R. §1.704(c) and 37 C.F.R. §1.704(c)(8), it is respectfully submitted that period of adjustment credits should be reduced by a total of 176 non-overlapping days. Accordingly, it is respectfully submitted that the determination of 344 days is in error, and that the correct Patent Term Adjustment through the date of the Notice of Allowance is 168 days (which is calculated by subtracting the 176 non-overlapping days from the original determination of 344 days).

With respect to 37 C.F.R. §1.705(b)(2)(iii), the patent granted on this application is not subject to a terminal disclaimer in that no terminal disclaimer was filed in the above-identified patent application (Serial No. 09/684,865). However, a TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
Serial No. 09/684,865

OVER PENDING SECOND APPLICATIONS has been filed in the case of certain other co-pending patent applications, namely in the cases of Application Serial Nos. 09/684,869, 09/684,866, and 09/684,010, with respect to, among others, the above-identified patent application (Serial No. 09/684,865).

Respectfully submitted,  
KHORSANDI PATENT LAW GROUP,  
A LAW CORPORATION

March 22, 2005  
Date

By Marilyn R. Khorsandi  
Marilyn R. Khorsandi  
Attorney/Agent for Applicant(s)  
Reg. No. 45,744  
Customer No. 29524

Khorsandi Patent Law Group, A Law Corp.  
140 S. Lake Ave., Ste. 312  
Pasadena, California 91101-4710  
Telephone No.: (626) 796-2856  
Facsimile: (626) 796-2864